

**EIGHTY-SEVENTH LEGISLATIVE DAY  
WEDNESDAY, APRIL 6, 2005**

House of Representatives

The House convened at 10 a.m., Mr. Denney in the Chair.

Roll call showed 69 members present.  
Absent and excused -- Trail. Total -- 1.  
Total -- 70.

Prayer was offered by Mr. Speaker.

The Pledge of Allegiance was led by Hannah Alexander, Page.

At this time, Mr. Speaker took the Chair.

**Approval of Journal**

April 6, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Eighty-sixth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the  
Governor and the Senate**

OFFICE OF THE GOVERNOR  
Boise

April 5, 2005

The Honorable Bruce Newcomb  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

**H 17, H 23, H 49, as amended, H 72, H 73, H 74, H 85, as amended, H 88, H 135, H 161, H 162, H 208, as amended, H 213, H 215, H 219, H 220, H 221, H 234, H 238, H 247, as amended, H 249, H 253, H 265, as amended, H 282, H 283, H 299, H 319, H 343, H 344, H 345, H 346, H 347, and H 348**

Very truly yours,  
/s/ DIRK A. KEMPTHORNE  
Governor

April 5, 2005

Mr. Speaker:

I transmit herewith **S 1239** and **S 1240** which have passed the

Senate.

WOOD, Secretary

**S 1239** and **S 1240** were filed for first reading.

April 5, 2005

Mr. Speaker:

I return herewith **H 400** which has passed the Senate.

WOOD, Secretary

**H 400** was referred to the Judiciary, Rules, and Administration Committee for enrolling.

**Report of Standing Committees**

April 5, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **HCR 29** and **H 402**.

FIELD(18), Chairman

**HCR 29** and **H 402** were filed for second reading.

April 6, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **H 400**.

FIELD(18), Chairman

The Speaker announced he was about to sign enrolled **H 400**, and, when so signed, ordered it transmitted to the Senate for the signature of the President.

April 6, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 145**, as amended, as amended in the Senate, **H 110**, as amended, as amended in the Senate, **H 291**, as amended in the Senate, and **H 315**, as amended in the Senate, to the Governor at 1:30 p.m., as of this date, April 5, 2005.

FIELD(18), Chairman

April 5, 2005

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration **S 1183** and report it back with amendments attached to be placed on General Orders for consideration.

WOOD, Chairman

**S 1183** was placed on General Orders for consideration.

There being no objection, the House advanced to the Twelfth Order of Business.

**Consideration of General Orders**

Mr. Denney moved that the House do now resolve itself into a Committee of the Whole House for the consideration of General Orders. Seconded by Ms. Jaquet. Motion carried.

Whereupon the House resolved itself into a Committee of the Whole House for the consideration of General Orders with Mr. Moyle in the Chair.

When the Committee of the Whole House rose, the Speaker returned to the Chair and the House was in order.

#### Report of the Committee of the Whole House

April 6, 2005

Mr. Speaker:

We, your COMMITTEE OF THE WHOLE HOUSE, report that we have had under consideration **S 1183** and **H 370** and report them back without recommendation, amended as follows:

#### HOUSE AMENDMENT TO S 1183

##### AMENDMENT TO SECTION 3

On page 2 of the printed bill, following line 44, insert: "Notwithstanding the provisions of subsection (1)(b) wherein eligible projects are listed for selection and designation by the board, if any of the designated projects are deemed to be ineligible by the board, the board shall have the authority to replace those projects with other projects deemed eligible by the board."

#### HOUSE AMENDMENTS TO S 1183

##### AMENDMENT TO SECTION 3

On page 2 of the printed bill, following line 48, insert:  
 "(3) The board shall limit annual, total cumulative debt service and other bond-related expenses as follows:

- (a) In the 2006 legislative session for the fiscal year 2007 budget, total cumulative debt service and other bond-related expenses on federally-funded highway project financing shall be no more than twenty percent (20%) of annual federal-aid highway apportionments.
- (b) In the 2007 legislative session for the fiscal year 2008 budget, total cumulative debt service and other bond-related expenses on federally-funded highway project financing shall be no more than twenty percent (20%) of annual federal-aid highway apportionments.
- (c) In the 2008 legislative session for the fiscal year 2009 budget, total cumulative debt service and other bond-related expenses on federally-funded highway project financing shall be no more than twenty percent (20%) of annual federal-aid highway apportionments.
- (d) In the 2009 legislative session for the fiscal year 2010 budget, total cumulative debt service and other bond-related expenses on federally-funded highway project financing shall be no more than twenty percent (20%) of annual federal-aid highway apportionments.
- (e) In the 2010 legislative session for the fiscal year 2011 budget, total cumulative debt service and other bond-related expenses on federally-funded highway project financing shall

be no more than thirty percent (30%) of annual federal-aid highway apportionments.

(f) Beginning with the 2011 legislative session for the fiscal year 2012 budget, or for any year thereafter, the thirty percent (30%) limit may be exceeded, but only by affirmative action of both the house of representatives and the senate, and with the approval of the governor."; in line 49, delete "(3)" and insert: "(4)"; and on page 3, in line 7, delete "(4)" and insert: "(5)".

##### AMENDMENT TO SECTION 10

On page 15, in line 38, following "projects" insert: "and that the annual, total cumulative debt service and bond-related expenses on federally-funded highway project financing do not exceed the limits specified in section 40-315(3), Idaho Code".

#### HOUSE AMENDMENT TO H 370

##### AMENDMENT TO SECTION 3

On page 3 of the printed bill, delete lines 4 through 9.

##### CORRECTION TO TITLE

On page 1, delete lines 10 through 12 and insert: "SECTION 39-2804, IDAHO CODE, TO REFERENCE THE PUBLIC HEALTH AND WELFARE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-2806, IDAHO CODE, TO REMOVE LAN-".

MOYLE, Chairman

Mr. Moyle moved that the report be adopted. Seconded by Mr. Denney.

Whereupon the Speaker declared the report adopted.

**S 1183**, as amended in the House, was filed for first reading.

**H 370**, as amended, was referred to the Judiciary, Rules, and Administration Committee for engrossing.

The amendments were referred to Judiciary, Rules, and Administration committee for printing.

There being no objection, the House returned to the Fifth Order of Business.

#### Report of Standing Committees

April 6, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed House Amendments to **S 1183**.

FIELD(18), Chairman

There being no objection, the House advanced to the Eighth Order of Business.

#### Introduction, First Reading, and Reference of Bills and Joint Resolutions

**S 1239, S 1240, and S 1183**, as amended in the House, by State Affairs Committee, were introduced, read the first time by title, and filed for second reading.

There being no objection, the House advanced to the Tenth Order of Business.

### Second Reading of Bills and Joint Resolutions

**H 401**, by Ways and Means Committee, was read the second time by title and filed for third reading.

There being no objection, the House returned to the Seventh Order of Business.

### Motions, Memorials, and Resolutions

Mr. Denney moved that all rules of the House interfering with the immediate consideration of **H 401** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **H 401** be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth(Ellsworth), Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring(Roberge), Ringo, Roberts, Rusche, Rydalch, Sali, Sayler(Callen), Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Wills, Wood, Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused -- Trail. Total -- 1.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **H 401** was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Jones to open debate.

The question being, "Shall **H 401** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth(Ellsworth), Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jones, Kemp, Lake, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring(Roberge), Roberts, Rusche, Rydalch, Sali, Sayler(Callen), Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Wills, Wood, Mr. Speaker. Total -- 66.

NAYS -- Jaquet, LeFavour, Ringo. Total -- 3.

Absent and excused -- Trail. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 401** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Denney moved that all rules of the House interfering with the immediate consideration of **HCR 29** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **HCR 29** be read the first time by title, second time by title, and third time at length, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth(Ellsworth), Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring(Roberge), Ringo, Roberts, Rusche, Rydalch, Sali, Sayler(Callen), Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Wills, Wood, Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused -- Trail. Total -- 1.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **HCR 29** was read the first time by title, second time by title, and third time at length, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bradford to open debate.

The question being, "Shall **HCR 29** be adopted?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth(Ellsworth), Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring(Roberge), Ringo, Roberts, Rusche, Rydalch, Sali, Sayler(Callen), Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Wills, Wood, Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused -- Trail. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **HCR 29** adopted and ordered the resolution transmitted to the Senate.

Mr. Denney moved that all rules of the House interfering with the immediate consideration of **H 402** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **H 402** be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth(Ellsworth), Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring(Roberge), Ringo, Roberts, Rusche, Rydalch, Sali, Sayler(Callen), Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Wills, Wood, Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused -- Trail. Total -- 1.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **H 402** was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Cannon to open debate.

The question being, "Shall **H 402** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth(Ellsworth), Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring(Roberge), Ringo, Roberts, Rusche, Rydalch, Sali, Sayler(Callen), Schaefer, Shepherd(2), Shepherd(8), Shirley, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Wills, Wood, Mr. Speaker. Total -- 68.

NAYS -- None.

Absent and excused -- Skippen, Trail. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 402** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Denney moved that all rules of the House interfering with the immediate consideration of **S 1239** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **S 1239** be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Denney.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth(Ellsworth), Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring(Roberge), Ringo, Roberts, Rusche, Rydalch, Sali, Sayler(Callen), Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Wills, Wood, Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused -- Trail. Total -- 1.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **S 1239** was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Moyle to open debate.

The question being, "Shall **S 1239** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth(Ellsworth), Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring(Roberge), Ringo, Roberts, Rusche, Rydalch, Sali, Sayler(Callen), Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Wills, Wood, Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused -- Trail. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **S 1239** passed the House. Title was approved and the bill was ordered returned to the Senate.

Mr. Denney moved that all rules of the House interfering with the immediate consideration of **S 1240** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **S 1240** be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth(Ellsworth), Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring(Roberge), Ringo, Roberts, Rusche, Rydalch, Sali, Sayler(Callen), Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Wills, Wood, Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused -- Trail. Total -- 1.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **S 1240** was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. McGeachin to open

debate.

The question being, "Shall **S 1240** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth(Ellsworth), Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring(Roberge), Ringo, Roberts, Rusche, Rydalch, Sali, Sayler(Callen), Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Wills, Wood, Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused -- Trail. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **S 1240** passed the House. Title was approved and the bill was ordered returned to the Senate.

Mr. Denney moved that all rules of the House interfering with the immediate consideration of **S 1183**, as amended in the House, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **S 1183**, as amended in the House, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth(Ellsworth), Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring(Roberge), Ringo, Roberts, Rusche, Rydalch, Sali, Sayler(Callen), Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Wills, Wood, Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused -- Trail. Total -- 1.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **S 1183**, as amended in the House, was read the first time by title, second time by title, and third time at length, section by section, and placed before the

House for final consideration.

At this time, the Speaker recognized Ms. Skippen to open debate.

Pursuant to Rule 38(3), Mr. Cannon disclosed a conflict of interest regarding **S 1183**, as amended in the House.

Pursuant to Rule 38(3), Mr. Moyle disclosed a conflict of interest regarding **S 1183**, as amended in the House.

The question being, "Shall **S 1183**, as amended in the House, pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bedke, Bilbao, Black, Block, Boe, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Eskridge, Field(18), Field(23), Garrett, Hart, Henderson, Jaquet, Jones, Kemp, Martinez, McKague, Miller, Mitchell, Nonini, Pasley-Stuart, Pence, Raybould, Ring(Roberge), Ringo, Rusche, Rydalch, Sayler(Callen), Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Trail, Wills. Total -- 47.

NAYS -- Barrett, Bayer, Bell, Bolz, Bradford, Denney, Edmunson, Ellsworth(Ellsworth), Harwood, Henbest, Lake, LeFavour, Loertscher, Mathews, McGeachin, Moyle, Nielsen, Roberts, Sali, Schaefer, Smith(24), Wood, Mr. Speaker. Total -- 23.

Paired Vote:

AYE -- Trail. NAY -- Denney.

(Pair enumerated in roll call above.)

Total -- 70.

Whereupon the Speaker declared **S 1183**, as amended in the House, passed the House. Title was approved and the bill was ordered returned to the Senate.

There being no objection, the House returned to the Fourth Order of Business.

#### **Consideration of Messages from the Governor and the Senate**

April 6, 2005

Mr. Speaker:

I transmit herewith enrolled **S 1158**, as amended, as amended in the House, for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled **S 1158**, as amended, as amended in the House, and, when so signed, ordered it returned to the Senate.

April 6, 2005

Mr. Speaker:

I return herewith enrolled **H 386**, as amended in the Senate, as amended in the Senate, **HCR 28**, **H 395**, **H 396**, **H 397**, and **H 400** which have been signed by the President.

WOOD, Secretary

Enrolled **H 386**, as amended in the Senate, as amended in the Senate, **H 395**, **H 396**, **H 397**, and **H 400** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

Enrolled **HCR 28** was referred to the Judiciary, Rules, and Administration Committee for delivery to the Secretary of State.

April 6, 2005

Mr. Speaker:

I return herewith **H 254**, as amended in the Senate, and **H 150**, as amended in the Senate, which have passed the Senate.

WOOD, Secretary

**H 254**, as amended in the Senate, and **H 150**, as amended in the Senate, were ordered held at the Desk.

Mr. Raybould asked unanimous consent that the House concur in the Senate amendments to **H 254**, as amended in the Senate. There being no objection, it was so ordered.

Mr. Jones asked unanimous consent that the House concur in the Senate amendments to **H 150**, as amended in the Senate. There being no objection, it was so ordered.

**H 254**, as amended in the Senate, and **H 150**, as amended in the Senate, were referred to the Judiciary, Rules, and Administration Committee for engrossing.

Mr. Denney moved that the House recess until 2:15 p.m. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House at recess until 2:15 p.m.

RECESS

Afternoon Session

The House reconvened at 2:15 p.m., the Speaker in the Chair.

Roll call showed 65 members present.

Absent and excused -- Clark, McGeachin, Shepherd(2), Smith(24), Trail. Total -- 5.

Total -- 70.

Prior to recess, the House was at the Fourth Order of Business.

#### **Consideration of Messages from the Governor and the Senate**

#### **Report of Standing Committees**

April 6, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND

ADMINISTRATION, report that we have engrossed **H 370**, as amended, **H 254**, as amended in the Senate, and **H 150**, as amended in the Senate.

FIELD(18), Chairman

**H 370**, as amended, **H 254**, as amended in the Senate, and **H 150**, as amended in the Senate, were filed for first reading of engrossed bills.

There being no objection, the House advanced to the Ninth Order of Business.

#### First Reading of Engrossed Bills

**H 370**, as amended, and **H 254**, as amended in the Senate, by Revenue and Taxation Committee, were introduced, read the first time by title and filed for second reading.

**H 150**, as amended in the Senate, by State Affairs Committee, was introduced, read the first time by title and filed for second reading.

There being no objection, the House returned to the Seventh Order of Business.

#### Motions, Memorials, and Resolutions

Mr. Denney moved that all rules of the House interfering with the immediate consideration of **H 370**, as amended, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **H 370**, as amended, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderton, Collins, Crow, Deal, Denney, Edmunson, Ellsworth(Ellsworth), Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McKague, Miller, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring(Roberge), Ringo, Roberts, Rusche, Rydalch, Sali, Sayler(Callen), Schaefer, Shepherd(8), Shirley, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Wills, Mr. Speaker. Total -- 63.

NAYS -- None.

Absent and excused -- Clark, McGeachin, Mitchell, Shepherd(2), Smith(24), Trail, Wood. Total -- 7.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **H 370**, as amended, was

read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall **H 370**, as amended, pass?"

Roll call resulted as follows:

AYES -- Andrus, Bell, Bilbao, Black, Block, Boe, Bolz, Cannon, Chadderton, Crow, Deal, Denney, Edmunson, Jaquet, Jones, Kemp, Martinez, Pence, Raybould, Ring(Roberge), Rusche, Sayler(Callen), Schaefer, Shirley, Skippen, Smith(30), Smith(24), Snodgrass, Stevenson, Wills, Wood. Total -- 31.

NAYS -- Anderson, Barraclough, Barrett, Bastian, Bayer, Bedke, Bradford, Collins, Ellsworth(Ellsworth), Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Lake, LeFavour, Loertscher, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Ringo, Roberts, Rydalch, Sali, Shepherd(8), Smylie, Mr. Speaker. Total -- 35.

Absent and excused -- Clark, Henderson, Shepherd(2), Trail. Total -- 4.

Paired Vote:

AYE -- Smith(24). NAY -- McGeachin.

(Pair enumerated in roll call above.)

Total -- 70.

Whereupon the Speaker declared **H 370**, as amended, failed to pass the House and ordered the bill filed in the Office of the Chief Clerk.

Mr. Denney moved that all rules of the House interfering with the immediate consideration of **H 254**, as amended in the Senate, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **H 254**, as amended in the Senate, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderton, Collins, Crow, Deal, Denney, Edmunson, Ellsworth(Ellsworth), Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McKague, Miller, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring(Roberge), Ringo, Roberts, Rusche, Rydalch, Sali, Sayler(Callen), Schaefer, Shepherd(8), Shirley, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Wills, Mr. Speaker. Total -- 63.

NAYS -- None.

Absent and excused -- Clark, McGeachin, Mitchell, Shepherd(2), Smith(24), Trail, Wood. Total -- 7.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **H 254**, as amended in the Senate, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Raybould and Mr. Roberts to open debate.

Mr. Roberts asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of **H 254**, as amended in the Senate. There being no objection, it was so ordered.

The question being, "Shall **H 254**, as amended in the Senate, pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Bradford, Cannon, Chadderdon, Collins, Crow, Deal, Denney, Edmunson, Ellsworth(Ellsworth), Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Jones, Kemp, Lake, Mathews, McKague, Miller, Moyle, Nonini, Raybould, Ring(Roberge), Roberts, Rusche, Rydalch, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Mr. Speaker. Total -- 48.

NAYS -- Barrett, Boe, Henbest, Jaquet, LeFavour, Loertscher, Martinez, Mitchell, Nielsen, Pasley-Stuart, Pence, Ringo, Sali, Saylor(Callen), Schaefer, Wills. Total -- 16.

Absent and excused -- Clark, Henderson, McGeachin, Smith(24), Trail, Wood. Total -- 6.

Paired Vote:

AYE -- Shepherd(2). NAY -- Schaefer.  
(Pair enumerated in roll call above.)  
Total -- 70.

Whereupon the Speaker declared **H 254**, as amended in the Senate, passed the House. Title was approved and the bill was referred to Judiciary, Rules, and Administration for enrolling.

Mr. Denney moved that all rules of the House interfering with the immediate consideration of **H 150**, as amended in the Senate, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **H 150**, as amended in the Senate, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford,

Cannon, Chadderdon, Collins, Crow, Deal, Denney, Edmunson, Ellsworth(Ellsworth), Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McKague, Miller, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring(Roberge), Ringo, Roberts, Rusche, Rydalch, Sali, Saylor(Callen), Schaefer, Shepherd(8), Shirley, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Wills, Mr. Speaker. Total -- 63.

NAYS -- None.

Absent and excused -- Clark, McGeachin, Mitchell, Shepherd(2), Smith(24), Trail, Wood. Total -- 7.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **H 150**, as amended in the Senate, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Jones to open debate.

The question being, "Shall **H 150**, as amended in the Senate, pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Collins, Crow, Deal, Denney, Edmunson, Ellsworth(Ellsworth), Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring(Roberge), Ringo, Roberts, Rusche, Rydalch, Sali, Saylor(Callen), Schaefer, Shepherd(8), Shirley, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Wills, Wood, Mr. Speaker. Total -- 64.

NAYS -- None.

Absent and excused -- Clark, Henderson, McGeachin, Shepherd(2), Smith(24), Trail. Total -- 6.

Total -- 70.

Whereupon the Speaker declared **H 150**, as amended in the Senate, passed the House. Title was approved and the bill was referred to Judiciary, Rules, and Administration for enrolling.

There being no objection, the House returned to the Fourth Order of Business.

#### Consideration of Messages from the Governor and the Senate

**H 38**, **H 54**, **H 68**, as amended, **H 70**, **H 188**, as amended, **H 193**, **H 277**, and **H 280**, previously held at the Desk, March 31, 2005, were filed in the Office of the Chief Clerk.

There being no objection, the House advanced to the Seventh

Order of Business.

**Motions, Memorials, and Resolutions**

Mr. Denney asked unanimous consent that committees be appointed by the Speaker to notify the Governor and the Senate that the House is ready to adjourn Sine Die. There being no objection, it was so ordered.

The Speaker appointed Representatives Raybould, Stevenson, and Jaquet to notify the Governor and Representatives Skippen, Shirley, and Martinez to notify the Senate.

The committees were excused.

The committee appointed to notify the Governor reported that it had delivered the message to the Governor. The committee was thanked and discharged by the Speaker.

The committee appointed to notify the Senate reported that it had delivered the message to the Senate. The committee was thanked and discharged by the Speaker.

There being no objection, the House advanced to the Sixteenth Order of Business.

**Adjournment**

Mr. Denney moved that the House of Representatives of the First Regular Session of the Fifty-eighth Legislature of the State of Idaho adjourn Sine Die. Seconded by Ms. Jaquet.

Whereupon the Speaker declared the motion carried and the House of Representatives of the First Regular Session of the Fifty-eighth Legislature of the State of Idaho adjourned Sine Die at 3:52 p.m., April 6, 2005.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk

Enrolled **H 386**, as amended in the Senate, as amended in the Senate, **H 395**, **H 396**, **H 397**, and **H 400** were transmitted to the Governor at 2:45 p.m., as of this date, April 6, 2005.

Enrolled **HCR 28** was transmitted to the Secretary of State at 2:38 p.m., as of this date, April 6, 2005.

**H 254**, as amended in the Senate, and **H 150**, as amended in the Senate, were enrolled, signed by the Speaker, signed by the President, and transmitted to the Governor at 9:55 a.m., as of this date, April 7, 2005.

**H 373**, as amended, **H 374**, as amended, **H 394**, **H 399**, **H 401**, **H 402**, **H 361**, **H 362**, and **H 392** were returned from the Senate passed, enrolled, signed by the Speaker, signed by the President, and transmitted to the Governor at 9:55 a.m., as of this date, April 7, 2005.

**HCR 29** was returned from the Senate passed, enrolled, signed by the Speaker, signed by the President, and transmitted to the Secretary of State at 9:58 a.m., as of this date, April 7, 2005.

Enrolled **S 1183**, as amended in the House, **S 1239**, and **S 1240** were received from the Senate, signed by the Speaker, and returned to the Senate.

OFFICE OF THE GOVERNOR

Boise

April 6, 2005

The Honorable Bruce Newcomb  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

**H 127**, as amended, **H 230**, **H 322**, **H 324**, **H 337**, **H 352**, **H 355**, **H 356**, **H 357**, **H 358**, **H 359**, and **H 360**

/s/  
Very truly yours,  
DIRK A. KEMPTHORNE  
Governor

OFFICE OF THE GOVERNOR

Boise

April 7, 2005

The Honorable Bruce Newcomb  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bill, to wit:

**H 392**

/s/  
Very truly yours,  
DIRK A. KEMPTHORNE  
Governor

OFFICE OF THE GOVERNOR

Boise

April 11, 2005

The Honorable Bruce Newcomb  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

1. **H 130**, as amended, as amended in the Senate, **H 145**, as amended, as amended in the Senate, **H 150**, as amended in

the Senate, **H 226, H 227, H 281**, as amended in the Senate, **H 300, H 315**, as amended in the Senate, **H 318, H 354, H 361, H 365, H 380, H 381, H 382, H 384, H 389, H 390, H 397** and **402**.

Very truly yours,  
/s/ DIRK A. KEMPTHORNE  
Governor

OFFICE OF THE GOVERNOR  
Boise

April 12, 2005

The Honorable Bruce Newcomb  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

**H 110**, as amended, as amended in the Senate, **H 269, H 291**, as amended in the Senate, **H 301, H 326, H 334, H 362, H 373**, as amended, **H 374**, as amended, **H 376, H 388, H 393**, and **H 394**

Very truly yours,  
/s/ DIRK A. KEMPTHORNE  
Governor

OFFICE OF THE GOVERNOR  
Boise

April 13, 2005

The Honorable Bruce Newcomb  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

**H 92**, as amended in the Senate, **H 306**, as amended, as amended, **H 323**, as amended, **H 331, H 333, H 364, H 378**, and **H 385**

Very truly yours,  
/s/ DIRK A. KEMPTHORNE  
Governor

OFFICE OF THE GOVERNOR  
Boise

April 14, 2005

The Honorable Bruce Newcomb  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House

Bills, to wit:

**H 36**, as amended in the Senate, **H 37**, as amended in the Senate, **H 240, H 313, H 325, H 350, H 351, H 353, H 377, H 379, H 383, H 395, H 396, H 399**, and **H 401**

Very truly yours,  
/s/ DIRK A. KEMPTHORNE  
Governor

OFFICE OF THE GOVERNOR  
Boise

April 15, 2005

The Honorable Bruce Newcomb  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bill, to wit:

**H 336**, as amended

Very truly yours,  
/s/ DIRK A. KEMPTHORNE  
Governor

OFFICE OF THE GOVERNOR  
Boise

April 15, 2005

The Honorable Bruce Newcomb  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

**H 386**, as amended in the Senate, as amended in the Senate, and **H 400**

Very truly yours,  
/s/ DIRK A. KEMPTHORNE  
Governor

OFFICE OF THE GOVERNOR  
Boise

April 15, 2005

The Honorable Bruce Newcomb  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I am returning herewith, without my approval, disapproved and vetoed:

**H 254**, as amended in the Senate

within the time limited by law, the same having arrived in the Office of the Governor at the hour 9:55 a.m. on April 7, 2005.

At the outset, I feel it is my obligation to disclose that I own one building lot in a subdivision intended for a future retirement site that could be impacted by this legislation, however, that does not affect my decision.

It is my judgment that, while **H 254**, as amended, is an improvement over **H 488** from the 2002 Session of the Idaho Legislature, I cannot, in good conscience, allow this bill to become law.

While reviewing **H 254**, as amended, it has become clear that this amended bill creates an unfair and unrealistic time frame for compliance by owners of rural property. Under this legislation, those eligible landowners who want to receive the benefit of the partial property tax exemption must file an application with their county assessor by April 15, 2005, today. Implementing a law that has financial implications on citizens, and expecting those citizens to respond within hours, is not good public policy.

With passage of this bill coming on the last day of the legislation session, property owners were not given sufficient time to file the appropriate paperwork with the county assessor.

The April 15 deadline is insufficient, and undoubtedly some individuals will unfairly miss the deadline and not be eligible for the exemption. I have had the opportunity to review this legislation, and know that I would have had to file an application by the April 15 deadline, which I could have done. But what of the hundreds, if not thousands, of landowners who have not had the same opportunity?

Since **H 254**, as amended, contains no grandfather clause, many of the current recipients of this exemption will be forever precluded, simply because they were not made aware of this new and practically impossible requirement. The State Tax Commission brought this issue of fairness to the attention of members of the legislature before **H 254**, as amended, was voted upon.

After reviewing several of the proposed amendments to this legislation, I found that most of them included a May 15, 2005, deadline. I have concluded that the legislature inadvertently failed to address the issue of a realistic time frame for property owners to file an application for partial exemption.

This issue lends itself to further refinement during the next legislation session.

Therefore, I hereby withhold my approval from, disapprove, and veto **H 254**, as amended.

Very truly yours,  
/s/ DIRK A. KEMPTHORNE  
Governor

WE, BRUCE NEWCOMB, Speaker of the House of Representatives, and PAMM JUKER, Chief Clerk, do hereby certify and attest as follows:

That we have carefully compiled in the House Journal of the First Regular Session of the Fifty-eighth Legislature all of the proceedings of the Eighty-seventh Legislative Day, and that the said Journal contains a full, true, and correct record of all of the proceedings of said House of Representatives for said day and final action upon all legislation.

IN WITNESS WHEREOF, we have hereunto set our hands, this 19th day of April, 2005.

BRUCE NEWCOMB, Speaker

Attest:  
PAMM JUKER, Chief Clerk

**CERTIFICATE**